

COMMONWEALTH OF MASSACHUSETTS

TOWN OF NANTUCKET



WARRANT FOR
2007 ANNUAL TOWN MEETING
AND ELECTION

Town of Nantucket
16 Broad Street
Nantucket, MA 02554
508-228-7255
www.nantucket-ma.gov

To the Constables of the Town of Nantucket:

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs to go to the Nantucket High School at 10 Surfside Road in said Nantucket, on

***TUESDAY, THE THIRD DAY OF APRIL, 2007
BETWEEN THE HOURS OF 7:00 AM and 8:00 PM***

for the following purpose:

To cast their votes in the Annual Town Election for the election of candidates for the following offices:

ModeratorOne for a term of one year
Town Clerk..... One for a term of three years
Selectman Two for terms of three years
Historic District Commission Two for terms of three years
Historic District Commission Associate One for a term of three years
School Committee One for a term of three years
Nantucket Islands Land Bank Commission One for a term of five years
Planning Board One for a term of five years
Nantucket Water Commission One for a term of three years
Siasconset Water Commission..... One for a term of three years
Harbor & Shellfish Advisory Board Three for terms of three years

In addition, you are directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs, to meet and assemble themselves at the Nantucket High School Auditorium at 10 Surfside Road in said Nantucket,

***MONDAY, APRIL 9, 2007 AT 7:00 PM,
THEN AND THERE TO ACT ON THE ARTICLES
CONTAINED WITH THE ENCLOSED WARRANT:***

ARTICLE 1

(Receipt of Reports)

To receive the reports of various departments and committees as printed in the Fiscal Year 2006 Annual Town Report or as may come before this meeting.

(Board of Selectmen)

ARTICLE 2

(Appropriation: Unpaid Bills)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds for the payment, pursuant to Chapter

44, section 64 of the Massachusetts General Laws, of unpaid bills from previous fiscal years, including any bills now on overdraft.

(Board of Selectmen)

ARTICLE 3

(Appropriation: Prior Year Articles)

To see what sums the Town will vote to appropriate and transfer from available funds in Articles voted in prior years.

(Board of Selectmen)

ARTICLE 4

(Revolving Accounts: Annual Authorization)

To see what revolving accounts the Town may vote to authorize or reauthorize pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws for fiscal year 2008.

(Board of Selectmen)

ARTICLE 5

(Appropriation: Reserve Fund)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of establishing a Reserve Fund pursuant to Chapter 40, section 6 of the Massachusetts General Laws, to provide for the extraordinary and unforeseen expenditures which may arise during fiscal year 2008; said sum not to exceed five (5) percent of the fiscal year 2008 tax levy.

(Board of Selectmen)

ARTICLE 6

(Fiscal Year 2007 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the fiscal year 2007 operating budget from other line items of said budget and from other available funds.

(Board of Selectmen)

ARTICLE 7

(Personnel Compensation Plans for Fiscal Year 2008)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2008:

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly
per member)

\$600.00

Americans with Disabilities Act Facilitator
(hourly)

15.00

Building Inspector, Assistant (hourly)

30.00

Dietician/Our Island Home (hourly)	33.00
Election Warden (hourly)	40.00 20.00
Election Worker (hourly)	8.50 15.00
EMT, Call (per hour)	15.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (per hour)	15.00
Fire Lieutenant, Call (yearly)	125.00
Fire Chief, Second Deputy (yearly)	5,000.00
Fire Chief, Third Deputy (yearly)	5,000.00
Plumbing Inspector, Assistant (hourly)	30.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	10.00
Seasonal Shellfish Warden(s) (yearly)	300.00
Sheriff, Deputy (yearly)	3,500.00
Teen Center Staff (hourly)	11.00
Teen Center Staff/Second Year (hourly)	12.00
Temporary Employee	various rates of pay
Wiring Inspector, Assistant (hourly)	30.00
Veterans' Agent (hourly)	15.00

*Schedule B -- Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective April 15, 2006- April 14, 2007)*

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$12.50	\$13.50	\$14.50	\$15.50
B-Hourly*	\$13.00	\$14.00	\$15.00	\$16.00
C-Hourly*	\$14.00	\$15.00	\$16.00	\$17.00
D-Hourly*	\$14.50	\$15.50	\$16.50	\$17.50
E-Hourly*	\$16.50	\$17.00	\$17.50	\$18.50

*An employee assigned supervisory responsibilities shall be placed in the next higher category.

A: Dock Attendant, Information Aide, Matron

B: Swimming Instructor, Arts & Crafts Instructor, Seasonal Health Assistant, Shellfish Warden, Endangered Species Monitor, Parking Control Officer, Laborer (Public Works)

C: Endangered Species Monitor Supervisor, Summer Recreation Coordinator, Dock Worker

D: Seasonal Firefighter/EMT, Summer Special Police, Lifeguard, Tennis Attendant (Park & Recreation), Laborer (Park & Recreation)

E. Lifeguard Supervisor, Madaket Harbormaster, Seasonal Maintenance Supervisor (Park & Recreation); Tennis Instructor (Park & Recreation), Swimming Instructor (Park & Recreation)

Schedule C -- Scallop Season Compensation Schedule

\$35.00/day to be paid to the full-time permanent shellfish warden(s) when scalloping activity is taking place.

*Schedule D -- Compensation Schedule for Elected Officials**

Moderator	\$150 per year
Selectman, Chair	\$5,000/per year
Selectmen	\$3,500/per year
Town Clerk	\$80,334

**Other than establishing the salary pursuant to MGL c. 41, s. 108, these positions are excluded from the Personnel Bylaw of the Town.*

(Board of Selectmen)

ARTICLE 8

(Appropriation: Fiscal Year 2008 Operating Budget)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the offices, departments, boards and commissions of the Town of Nantucket for Fiscal Year 2008.

(Board of Selectmen)

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human services, not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that contracts be executed by and between the Board of Selectmen and the respective private, not-for-profit agency for Fiscal Year 2008, which contracts shall stipulate mutually agreed upon terms and conditions.

(Board of Selectmen)

ARTICLE 10

(Appropriation: General Fund Capital Expenditures)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, for the purposes of capital expenditures for Fiscal Year 2008 for the offices, departments, boards and commissions of the Town of Nantucket.

(Board of Selectmen)

ARTICLE 11

(Appropriation: Enterprise Funds Operations)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the operation of the following Enterprise Funds of the Town of Nantucket for Fiscal Year 2008: Nantucket Memorial Airport, Wannacomet Water Company, Siasconset Water Company, Sewer Enterprise, and Solid Waste Enterprise, out of anticipated revenues of the designated funds, for the purposes set forth above.

(Board of Selectmen for the Various Departments Indicated)

ARTICLE 12

(Appropriation: Enterprise Funds Capital Expenditures)

To see what sums the Town will vote to appropriate from the sources indicated below, for the purposes of capital expenditures in Fiscal Year 2008 for the following Enterprise Funds established under the jurisdiction of the Town of Nantucket: Nantucket Memorial Airport, Wannacomet Water Company, Siasconset Water Company, Sewer Enterprise, and Solid Waste Enterprise.

(Board of Selectmen for the Various Departments Indicated)

ARTICLE 13

(Enterprise Funds: Fiscal Year 2007 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2007 Enterprise Fund operating budgets from other line items of said budgets and/or from Enterprise Surplus Reserve Funds.

(Board of Selectmen)

ARTICLE 14

(Appropriation: County Assessment)

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to pay the County of Nantucket such assessment as is required for Fiscal Year 2008, and to authorize the expenditure of these funds for County purposes, all in accordance with the General Laws and in accordance with the County Charter (Chapter 290, Acts of 1996), the sum of One Hundred Thousand Dollars (\$100,000).

(Board of Selectmen/County Commissioners)

ARTICLE 15

(Appropriation: Finalizing Fiscal Year 2008 County Budget)

To see if the Town will vote to overturn any denial of approval by the Nantucket County Review Committee, of any item of the County budget for Fiscal Year 2008 by appropriating a sum of money for such County budget and authorizing the expenditure of estimated County revenues, County reserve funds, County deed excise fees or other available County funds including the Town assessment for County purposes; further, to see if the Town will vote to

overturn any denial by the Nantucket County Review Committee of the establishment of a County Reserve Fund, from which transfers may be made to meet extraordinary or unforeseen expenditures with the approval of the County Commissioners acting as the County Advisory Board Executive Committee within the meaning of c. 35, s. 32 of the General Laws of the Commonwealth.

(Board of Selectmen/County Commissioners)

ARTICLE 16

(Rescind Unused Borrowing Authority)

To see what action the Town will vote to amend, appropriate or reappropriate, transfer, modify, repeal or rescind unused borrowing authority authorized by previous town meetings, or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 17

(Appropriation: Ferry Embarkation Fee)

To see what sum the Town will vote to appropriate from the proceeds of the ferry embarkation fee established by chapter 46, s. 129 of the Acts of 2003 as amended, for the purposes of mitigating the impacts of ferry service on the Town and County of Nantucket, including but not limited to provision of harbor services, public safety protection, emergency services, infrastructure improvements within and around Nantucket Harbor, and professional services pertaining to the potential use or reuse of land, buildings and infrastructure in the vicinity of Nantucket Harbor, and any other purpose allowed by applicable law, or to take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 18

(Appropriation: Collective Bargaining Agreement/
Our Island Home)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2007 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Our Island Home union employees (represented by the Service Employees International Union Local #1199) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 19

(Appropriation: Collective Bargaining Agreement/Airport)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal

Year 2008 in a collective bargaining contract between the Town of Nantucket (represented by the Airport Commission) and the Airport union employees (represented by the Massachusetts Laborer's District Council of the Nantucket Memorial Airport Employees of the Laborer's International Union of North America, Local 1060) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 20

(Appropriation: Collective Bargaining Agreement/Wannacomet Water)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2008 in a collective bargaining contract between the Town of Nantucket (represented by the Nantucket Water Commission) and the Wannacomet Water union employees (represented by the Utility Workers of America, AFL-CIO, Local Union #359) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 21

(Appropriation: Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2008 Community Preservation Budget and to appropriate or reserve for later appropriation monies from Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year.

Purpose	Amount
<i>Open Space Conservation</i>	
Nantucket Conservation Foundation	
University of Massachusetts Field Station Purchase	\$300,000
Nantucket Land Council, Inc.	
270 Pristine Acres from Madaket Rd. to Eel Point Rd. (Conservation Restriction)	\$300,000
Prospect Hill Cemetery Association	
Preservation & Restoration of E.B. Lewis Cemetery	\$25,000
Nantucket Park and Recreation Commission	
Tom Nevers Swing Set	\$2,200
Skate Board Park Phase IV - In Ground Portion	\$150,000
Youth Fields, West	\$400,000
Subtotal	1,177,200

Purpose	Amount
Community Housing	
Board of Selectmen, Town of Nantucket	
2 Fairgrounds Road Housing	\$75,000
Nantucket Housing Office	
Scattered Site Community Housing Rental Program: Housing Recycling	\$175,000
Nantucket Housing Office - Year Six	\$155,000
Subtotal	\$450,000
Historic Resources	
Artist's Association of Nantucket	
AAN Permanent Collection Archiving & Restoration	\$7,830
Cemetery Commission Workgroup, Town of Nantucket	
Nantucket Cemeteries Restoration Project - Phase I	\$61,500
First Congregational Church of Nantucket	
First Congregational Church Preservation Project	\$300,000
Nantucket Historical Association	
Greater Light Residence Restoration Project	\$400,000
Nantucket Preservation Trust	
Nantucket National Historic Landmark District Update	\$85,000
Two Center Street Restoration Project, Inc.	
Restoration of the Historic Methodist Church Building	\$160,000
Sconset Trust, Inc.	
Preservation of Sankaty Head Lighthouse	\$300,000
Subtotal	\$1,314,330
Administrative	
Community Preservation Committee	
Administrative and Operating Expenses	\$93,211
Subtotal	\$93,211
TOTAL	\$3,034,741

And amounts to be appropriated from the following sources:

SOURCES	AMOUNT
Raised and appropriated from FY2008 Community Preservation Surcharge	\$1,526,000
From State matching funds for FY2007, to be received in FY 2008	\$1,350,000
From undesignated reserve fund balance	\$158,741
Total Revenues	\$3,034,741

for Fiscal Year 2008 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.

Provided, however, that the above expenditures are conditional upon the recording of appropriate historic preservation restrictions for historic resources; open space restrictions for open space resources, and for affordable housing restrictions for community housing; running

in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.

(Kenneth L. Beaugrand, et al)

ARTICLE 22

(Appropriation: Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2008 Community Preservation Budget and to appropriate or reserve for later appropriation monies from Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year.

Purpose	Amount
<i>Open Space Conservation</i>	
Nantucket Conservation Foundation	
University of Massachusetts Field Station Purchase	\$300,000
Nantucket Land Council, Inc.	
270 Pristine Acres from Madaket Rd. to Eel Point Rd. (Conservation Restriction)	\$300,000
Prospect Hill Cemetery Association	
Preservation & Restoration of E.B. Lewis Cemetery	\$25,000
Nantucket Park and Recreation Commission	
Tom Nevers Swing Set	\$2,200
Skate Board Park Phase IV - In Ground Portion	\$150,000
Youth Fields, West	\$400,000
Subtotal	1,177,200
<i>Community Housing</i>	
Board of Selectmen, Town of Nantucket	
2 Fairgrounds Road Housing	\$75,000
Nantucket Housing Office	
Scattered Site Community Housing Rental Program: Housing Recycling	\$175,000
Nantucket Housing Office - Year Six	\$155,000
Nantucket Interfaith Council	
Nantucket Rental Assistance Program	\$45,000
Subtotal	\$450,000
<i>Historic Resources</i>	
Artist's Association of Nantucket	
AAN Permanent Collection Archiving & Restoration	\$7,830
Cemetery Commission Workgroup, Town of Nantucket	
Nantucket Cemeteries Restoration Project - Phase I	\$61,500
First Congregational Church of Nantucket	
First Congregational Church Preservation Project	\$300,000
Nantucket Historical Association	
Greater Light Residence Restoration Project	\$400,000

Purpose	Amount
Nantucket Preservation Trust	
Nantucket National Historic Landmark District Update	\$85,000
Two Center Street Restoration Project, Inc.	
Restoration of the Historic Methodist Church Building	\$160,000
Sconset Trust, Inc.	
Preservation of Sankaty Head Lighthouse	\$300,000
Subtotal	\$1,314,330
Administrative	
Community Preservation Committee	
Administrative and Operating Expenses	\$93,211
Subtotal	\$93,211
TOTAL	\$3,034,741

And amounts to be appropriated from the following sources:

SOURCES	AMOUNT
Raised and appropriated from FY2008 Community Preservation Surcharge	\$1,526,000
From State matching funds for FY2007, to be received in FY 2008	\$1,350,000
From undesignated reserve fund balance	\$158,741
Total Revenues	\$3,034,741

for Fiscal Year 2008 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.

Provided, however, that the above expenditures are conditional upon the recording of appropriate historic preservation restrictions for historic resources; open space restrictions for open space resources, recreation restrictions for recreational resources and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.

(Board of Selectmen for Community Preservation Committee)

BOARD OF SELECTMEN COMMENT: The citizen petition submitted by the Community Preservation Committee inadvertently omitted one item (Community Housing/Nantucket Rental Assistance Program, \$45,000). At the Committee's request, the Board of Selectmen included this corrected article. The totals did not change.

ARTICLE 23

(Appropriation: Municipal Electric Aggregate)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, for the purposes of funding a Nantucket municipal electric aggregate; and, to take any other action as may be relative thereto.

(Board of Selectmen for Energy Study Committee)

Board of Selectmen Comment: It is the intent of the Board that this appropriation, if approved by Town Meeting, be contingent upon passage by ballot of an override referendum question exempting the amount voted from the limitations of Proposition Two and One-half so-called.

ARTICLE 24

(Land Bank Financing)

To see if the Town will vote to pledge the full faith and credit of the Town pursuant to Chapter 669 of the Acts of 1983, as amended, to secure the principal of and interest on bonds or notes of the Nantucket Islands Land Bank to be issued (a) to finance the acquisition by purchase, eminent domain or otherwise by the Land Bank Commission of land or interests in land for the purposes of the Land Bank and (b) to fund any debt service reserve or reserves that may be required in connection with such financing; provided that the amount of such bonds or notes of the Land Bank guaranteed by the Town pursuant to any vote passed under this article shall be in addition to amounts of Land Bank indebtedness that the Town has previously agreed to guarantee; or, to take any other action as may be related thereto.

(Board of Selectmen for Nantucket Islands Land Bank Commission)

ARTICLE 25

(Zoning Bylaw Amendment: Establishment of Harbor Overlay (HOD) Zoning District)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

1. § 139-12. Overlay Districts Flood Hazard FHD, Public Well Recharge PWR, Multifamily (MF), Neighborhood Employee Housing (NEHOD), Dormitory Overlay District (DOD), Country Overlay District (COD) and Town Overlay District (TOD), Harbor Overlay District (HOD).

H. Harbor Overlay District (HOD).

- (1) The Harbor Overlay District shall be located as depicted on the map entitled "Harbor Overlay District," dated December 29, 2006 incorporated by reference and made a part hereof. The district as shown on said map shall be considered an overlay district to be superimposed on the Zoning Map of Nantucket, Massachusetts.
- (2) The purposes of the Harbor Overlay District are to ensure that (1) existing water-dependent uses are not displaced by nonwater-dependent uses; (2) harbor waters and the immediate shoreline and pier areas are dedicated to water-dependent uses; (3) commercial uses allowed by the underlying district regulations are compatible with, support, or otherwise do not interfere with water-dependent uses of the site; (4) visual access is maintained or improved; (4) historic architectural working waterfront character is maintained and enhanced; and (5) conversion of commercial space to residential use is limited.

The purpose of the Harbor Overlay District shall be considered by the Planning Board or Zoning Board of Appeals when reviewing an application for a proposed new use or a modification or an expansion of a use subject to site plan approval or special permit.

(3) Uses allowed or permitted in this overlay district are the same as those uses allowed or permitted in the underlying zones except as may be modified by the following:

(a) No new use or expansion of an existing use shall

- (1) displace or significantly disrupt an existing water-dependent use with a nonwater-dependent use;
- (2) locate a nonwater-dependent use on shorefront land so as to unreasonably diminish the capacity of the site to accommodate water-dependent use
- (3) reduce existing public access.

(b) new residential uses allowed only on upper floors of new structures and not on pile-supported structures over coastal waters or in structures within 25 feet of the mean high water line.

(c) new uses or modifications of existing uses shall consist of or include the following water-dependent uses and/or uses accessory to these water-dependent uses.

Recreational boating-related: berthing available for patronage by the general public on a seasonal or transient basis; boat ramp or other public boating access facilities; boat haul-out facilities; boat repair and maintenance or waterfront facilities associated with inland sites providing these services; launch service; fuel and pump-out services; upland boat storage; services such as ice, laundry, bait, provisions; businesses such as ship chandlery, fishing outfitter; parking.

Commercial fishing related: berthing; loading/unloading areas; gear storage facilities; parking; seafood wholesaler, retail fish market.

Commercial charter boat: berthing, support facilities.

Waterfront public access and amenities (as an enhancement to all other uses, except where water-dependent operations would present a safety concern): public restrooms, seating.

Passenger and cargo ferry pier and facilities

4. On shorefront land, new structures for nonwater-dependent uses shall not be located within 25 feet of the mean high water line or cover more than 50 percent of the parcel.

5. The following uses are prohibited in the Harbor Overlay District:

Cruise ship terminals or support facilities and services

Personal watercraft rental

Recreational boat berths for long-term exclusive occupancy or whose use is contingent upon ownership or occupancy of a residence or other nonwater-dependent facility.

2. §139-3E. Overlay districts.

District	Abbreviation
Public Wellhead Recharge	PWR
Flood Hazard	FHD
Multifamily	MF
Neighborhood Employee Housing	NEHOD
Dormitory	DOD
Country	COD
Town	TOD
Harbor	HOD

3. §139-2. Definitions and word usage.

Water-dependent Use – Uses and facilities that require direct access to or location in coastal waters and which therefore cannot be located inland, including uses that provide general public access to those waters.

Or, to take any other action as may be related thereto.

(Board of Selectmen)

ARTICLE 26

(Zoning Map Change: Harbor Overlay District - Vicinity of Nantucket Harbor)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties into the Harbor Overlay District:

MAP	A	B	PARCEL	NUMBER	STREET
42	4	2	17	29	EASY ST
42	2	3	21	90	WASHINGTON ST
42	2	3	2	34	WASHINGTON ST
42	2	3	11	56	WASHINGTON ST
42	2	3	15	68	WASHINGTON ST
42	2	3	16	70	WASHINGTON ST
42	2	3	1	32	WASHINGTON ST
42	2	3	3	36	WASHINGTON ST
42	2	3	4	38	WASHINGTON ST
42	2	3	5	40	WASHINGTON ST
42	2	3	6	42	WASHINGTON ST
42	2	3	7	44	WASHINGTON ST
42	2	3	9	54	WASHINGTON ST
42	2	3	38	60	WASHINGTON ST
42	2	3	14	66	WASHINGTON ST
42	2	3	17	72	WASHINGTON ST
42	2	3	18	74	WASHINGTON ST
42	2	3	19	76	WASHINGTON ST
42	2	3	20	80B	WASHINGTON ST
42	2	3	22	92	WASHINGTON ST
42	2	4	1		STRAIGHT WF

MAP	A	B	PARCEL	NUMBER	STREET
42	2	4	15		STRAIGHT WF
42	2	4	9	15	COMMERCIAL WF
42	2	4	10	13	COMMERCIAL WF
42	2	4	6	21	COMMERCIAL WF
42	2	4	7	17	COMMERCIAL WF
42	2	4	4	25	COMMERCIAL WF
42	2	4	5	23	COMMERCIAL WF
42	2	4	8		NEW WHALE ST
42	2	4	2		OLD SOUTH WF
42	2	4	14	11	NEW WHALE ST
42	2	4	11	12	NEW WHALE ST
42	2	4	3	29	COMMERCIAL WF
42	3	1	24		
42	3	1	82	7	OLD NORTH WF
42	3	1	136	6	STRAIGHT WF
42	3	1	135	2	STRAIGHT WF
42	3	1	257	24	OLD NORTH WF
42	3	1	28	21	OLD NORTH WF
42	3	1	85	18	STILL DOCK
42	3	1	83	10	STILL DOCK
42	3	1	81	4	STILL DOCK
42	3	1	138	12	STRAIGHT WF
42	3	1	26	15	OLD NORTH WF
42	3	1	86	20	STRAIGHT WF
42	3	1	139	16	STRAIGHT WF
42	3	1	80	1	OLD NORTH WF
42	3	1	256	22	OLD NORTH WF
42	3	1	255	20	OLD NORTH WF
42	3	1	262	25	OLD NORTH WF
42	3	1	254	18	OLD NORTH WF
42	3	1	253	16	OLD NORTH WF
42	3	1	252	14	OLD NORTH WF
42	3	1	225	23	OLD NORTH WF
42	3	1	251	12	OLD NORTH WF
42	3	1	23	10	OLD NORTH WF
42	3	1	20		
42	3	1	17	7	EASY ST
42	3	1	19	6	OLD NORTH WF
42	3	1	18	4	OLD NORTH WF
42	3	1	18	4	OLD NORTH WF
42	3	1	27	17	OLD NORTH WF
42	3	1	84	14B	STILL DOCK
42	3	1	137	10	STRAIGHT WF
42	3	1	35	1	NEW WHALE ST
42	3	1	38	3	COMMERCIAL ST
42	3	2	23.3	30B	WASHINGTON ST
42	3	2	22	24	WASHINGTON ST

MAP	A	B	PARCEL	NUMBER	STREET
42	3	2	23	26	WASHINGTON ST
42	3	2	23.1	28	WASHINGTON ST
42	3	2	23.2	30A	WASHINGTON ST
42	4	1	22	46	EASTON ST
42	4	1	21	42	EASTON ST
42	4	1	23	50	EASTON ST
42	4	2	101	1	STEAMBOAT WF
42	4	2	20	21	EASY ST
42	4	2	18	27	EASY ST
42	4	2	13	27	STEAMBOAT WF
42	4	2	10	1	S BEACH ST
42	4	2	11	1	S BEACH ST
42	4	2	9	15	HARBOR VIEW WY
42	4	2	57	5	S BEACH ST
42	4	2	8	3	HARBOR VIEW WY
42	4	2	57.1	15	S BEACH ST
42	4	2	7	11	S BEACH ST
42	4	2	58	9	S BEACH ST
42	4	2	12	1	S BEACH ST
42	4	2	14	1	STEAMBOAT WF
42	4	2	15	13A	WILLARD ST
42	4	2	16	31	EASY ST
55	1	4	8	96	WASHINGTON ST

All as shown on a map entitled "Proposed Harbor Overlay District in Nantucket Harbor," Appendix 2, Revised Nantucket & Madaket Harbors Action Plan, dated 29 December 2006 and on file at the office of the Town Clerk; or, to take any other action as may be related thereto.

(Board of Selectmen)

ARTICLE 27

(Zoning Map Change: Harbor Overlay District - Vicinity of Madaket Harbor)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties into the Harbor Overlay District:

MAP	A	B	PARCEL	NUMBER	STREET
60			17	20	LITTLE NECK WY
59	4		2		MADAKET
38			15	20	N CAMBRIDGE ST
38			14	16	N CAMBRIDGE ST

All as shown on the map entitled "Proposed Overlay District in Madaket Harbor," Appendix 2, Revised Nantucket & Madaket Harbors Action Plan, dated 29 December 2006 and on file at the office of the Town Clerk; or, to take any other action as may be related thereto.

(Board of Selectmen)

ARTICLE 28

(Zoning Bylaw Amendment: Island Perimeter Restrictions)

To see if the Town will vote to amend Chapter 139 (Zoning), § 22 (Island perimeter restrictions) of the Code of the Town of Nantucket as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

§ 139-22. Island perimeter restrictions.

- B. ~~In all districts except the Residential Commercial District~~ Except as otherwise provided in paragraphs C, D and E of this Section 139-22, the construction of new docks and piers and wharves, including extensions of new or enlarged docks, piers or wharves, the extension of existing docks, piers or wharves, and the addition or creation of new appurtenant structures (defined as floats or ramps) for existing docks, piers or wharves is prohibited for shorefront land in all districts, except those docks, wharves and piers approved by the Nantucket Conservation Commission in the former Residential Commercial District as of April 30, 1992 April 11, 2005, and/or future docks, wharves and piers of governmental or public entities. Nothing in this section 139-22 shall prohibit nor regulate the repair, maintenance or replacement of any lawfully existing dock, pier or wharf lawfully existing as of April 30, 1992, so long as such dock, pier or wharf is not extended nor any new appurtenant structures are added thereto.
- C. ~~Temporary moratorium on new docks, piers, and wharves in the RC District. Notwithstanding the provisions of Subsection B above, no new docks, piers, and wharves, including extensions of new or enlarged docks, piers and wharves, the extension of existing docks, piers or wharves, and the addition or creation of new appurtenant structures (defined as floats or ramps) for existing docks, piers or wharves shall be constructed in the RC District, except those docks, wharves and piers approved by the Nantucket Conservation Commission as of April 11, 2005, and/or future docks, wharves and piers of governmental or public entities. Nothing herein shall prohibit nor regulate the repair, maintenance or replacement of any dock, pier or wharf lawfully existing or permitted by the Nantucket Conservation Commission as of April 11, 2005, so long as such dock, pier or wharf is not extended nor any new appurtenant structures are added thereto. This moratorium shall remain in effect until December 31, 2006, while the Town of Nantucket updates its Harbor Plans for both Nantucket and Madaket Harbors.~~

In the Harbor Overlay District only, new docks, piers or wharves for commercial or industrial water-dependent use and the extension and addition of new appurtenant structures to any lawfully existing dock, pier or wharf for purposes of commercial or industrial water-dependent uses are permitted uses.

- D. Any proposed extension or reconfiguration of or addition or creation of new appurtenant structures to a preexisting legally nonconforming dock, pier or wharf must be reviewed and approved by the special permit granting authority in accordance with §139-33.A(4). In addition to the findings required by that section, the special permit granting authority shall find that the proposed extension, reconfiguration or addition does not result in a net

increase of the structure's existing footprint. Such applications shall be referred by the special permit granting authority to the Department of Marine and Coastal Resources for comment and recommendation in accordance with the procedures of §139-30.

- E. In all districts new docks, wharves and piers of municipal, county, state, or federal agencies or public docks as defined below, and/or community docks serving areas that are not accessible by land-based transportation are permitted uses. The words 'public docks' as used in this section shall be defined as 'a dock, pier or wharf that is open to the public at large, or at which services or goods for vessels are made available directly to the public.

Or, to take any other action as may be related thereto.

(Board of Selectmen)

ARTICLE 29

(Zoning Bylaw Amendment: Permitted Uses)

To see if the Town of Nantucket will vote to amend the Zoning by-law § 139-7 by changing the language in section A.2 "Permitted Uses," by deleting the stricken text and adding the parenthetical text as shown below; and adding section A.2 j. as shown below:

A.2. One detached building constituting a secondary dwelling.

~~The principal purpose of s~~ (S)ecundary dwellings ~~is to create~~ (shall only be created to provide) housing opportunities through the provision of affordable rental housing for year-round residents, including senior citizens, while affording the owner of the primary residence with the opportunity to generate supplemental income.

A.2.j. On an annual basis, by a date to be determined by the zoning enforcement officer, the property owner of the secondary dwelling created after April 9, 2007 must submit a completed form to the zoning enforcement officer as evidence that said secondary dwelling is occupied by year-round residents(s). The annual form shall be distributed in a manner to be determined by the Town Administrator. Failure to provide such form shall constitute a violation of this section and may be enforced pursuant to 139-25.

(Barbara Gookin, et al)

ARTICLE 30

(Zoning: Alteration of Town and Country Designations/Vicinity of Polpis Road and Monomoy Road)

To see if the Town will vote to amend the map entitled "Town and Country Designations" of the Town of Nantucket by placing the following properties currently located in the Town Overlay District, in the Country Overlay District:

Map	Parcel	Number	Street
55	68	1	Monomoy Road
54	47	8	Milestone Road
54	133	10	Milestone Road
54	132	12	Milestone Road

Map	Parcel	Number	Street
54	130.1	16B	Milestone Road
54	130.2	16C	Milestone Road
54	130.3	16D	Milestone Road
54	130.4	16E	Milestone Road
54	130.5	16F	Milestone Road
54	130.6	16G	Milestone Road
54	130.7	16H	Milestone Road
54	130.8	16A	Milestone Road
54	128	2	Polpis Road
54	129	2	Polpis Road
54	188	2	Polpis Road
54	189	2	Polpis Road
54	127	4	Polpis Road
54	187	4	Polpis Road
54	126	6	Polpis Road
54	125	8	Polpis Road
54	185	8	Polpis Road
54	124	10	Polpis Road
54	184	10	Polpis Road
54	123	12	Polpis Road
54	122	12	Polpis Road
54	183	12	Polpis Road
54	182	12	Polpis Road
54	48	1	Chatham Road
54	134	3	Chatham Road
54	135	3	Chatham Road
54	192	5	Chatham Road
54	232	4	Chatham Road
54	231	6	Chatham Road
54	230	8	Chatham Road
54	229	10	Chatham Road
54	228	12	Chatham Road
54	227	4	Sandwich Road
54	226	2	Sandwich Road
54	234	2	Sandwich Road
54	223	6	Sandwich Road
54	136	5	Monomoy Road
54	137	9	Monomoy Road

Map	Parcel	Number	Street
54	138	9	Monomoy Road
54	139	9	Monomoy Road
54	193	9	Monomoy Road
54	194	9	Monomoy Road
54	196	11	Monomoy Road
54	198	13	Monomoy Road
54	200	15	Monomoy Road
54	201	17	Monomoy Road
54	202	17	Monomoy Road
54	203	17	Monomoy Road

All as shown on a map entitled "Warrant Article 30, MGL 41-81D Master Plan, Town and Country Overlay District Change: Vicinity of Monomoy Road" dated January, 2007 on file at the office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 31

(Zoning Map Change: 3M Subdivision/Doc Ryder Drive, Hatch Circle, Henderson's Drive, Swayze's Drive)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties, currently located in the Residential Commercial-2 (RC-2) district in the Residential-10 (R-10) district:

Map	Parcel	Number	Street
66	222	98	Somerset Road
81	163	132	Somerset Road
66	149	118	Somerset Road
66	152	1	Swayze's Drive
66	153	3	Swayze's Drive
66	154	5	Swayze's Drive
66	156	9	Swayze's Drive
66	157	11	Swayze's Drive
66	158	13	Swayze's Drive
66	159	14	Swayze's Drive
66	160	12	Swayze's Drive
66	161	10	Swayze's Drive
66	162	8	Swayze's Drive
66	163	6	Swayze's Drive
66	164	4	Swayze's Drive
66	165	2	Swayze's Drive

Map	Parcel	Number	Street
66	194	1	Hendersons Drive
66	195	3	Hendersons Drive
66	196	5	Hendersons Drive
66	197	7	Hendersons Drive
66	198	9	Hendersons Drive
66	199	11	Hendersons Drive
66	200	13	Hendersons Drive
66	201	12	Hendersons Drive
66	202	10	Hendersons Drive
66	203	8	Hendersons Drive
66	204	6	Hendersons Drive
66	205	4	Hendersons Drive
66	206	2	Hendersons Drive
66	207	108	Somerset Road
66	208	104	Somerset Road
66	209	1	Doc Ryder Drive
66	210	3	Doc Ryder Drive
66	211	5	Doc Ryder Drive
66	212	7	Doc Ryder Drive
66	213	9	Doc Ryder Drive
66	214	11	Doc Ryder Drive
66	215	13	Doc Ryder Drive
66	216	12	Doc Ryder Drive
66	217	10	Doc Ryder Drive
66	218	8	Doc Ryder Drive
66	219	6	Doc Ryder Drive
66	220	4	Doc Ryder Drive
66	221	2	Doc Ryder Drive

All as shown on a map entitled "Warrant Article: 31, MGL 41-81D Master Plan, Zoning Change: 3M Subdivision" dated January 2007 on file at the office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 32

(Zoning Map Change: 3M Subdivision/Farm View Drive and Golf View Drive)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties, currently located in the Residential Commercial-2 (RC-2) district in the Residential-10 (R-10) district:

Map	Parcel	Number	Street
66	148	3	Golf View Drive
66	166	5	Golf View Drive
66	167	7	Golf View Drive
66	168	9	Golf View Drive
66	169	11	Golf View Drive
66	170	13	Golf View Drive
66	171	15	Golf View Drive
66	172	17	Golf View Drive
66	173	19	Golf View Drive
66	174	21	Golf View Drive
66	175	23	Golf View Drive
66	176	2	Farm View Drive
66	177	1	Farm View Drive
66	178	3	Farm View Drive
66	179	5	Farm View Drive
66	180	7	Farm View Drive
66	181	9	Farm View Drive
66	182	11	Farm View Drive
66	183	10	Farm View Drive
66	184	24	Golf View Drive
66	185	22	Golf View Drive
66	186	20	Golf View Drive
66	187	18	Golf View Drive
66	188	16	Golf View Drive
66	189	14	Golf View Drive
66	190	12	Golf View Drive
66	191	10	Golf View Drive
66	192	8	Golf View Drive
66	193	4	Golf View Drive

All as shown on a map entitled "Warrant Article 32, MGL 41-81D Master Plan, Zoning Change: 3M Subdivision, Golf View Drive and Farm View Drive" dated January, 2007 on file at the office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 33

(Zoning Map Change: Miacomet Avenue and Otokomi Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions in regard to property on Miacomet Avenue by placing the following properties, zoned both Residential Commercial-2 (RC-2) and Limited Use General-2 (LUG-2), in the Residential-2 (R-2) district:

Map	Parcel	Number	Street
67	83.1	54	Miacomet Ave
67	83.2	44	Miacomet Ave
67	83.3	42	Miacomet Ave
67	83.4	40	Miacomet Ave
67	83.5	38	Miacomet Ave
67	83.6	46	Miacomet Ave
67	83.7	48	Miacomet Ave
67	83.8	50	Miacomet Ave
67	83.9	52	Miacomet Ave
67	350	56	Miacomet Ave
67	351	58	Miacomet Ave
67	352	60	Miacomet Ave
67	353	62	Miacomet Ave
67	354	64	Miacomet Ave
67	355	66	Miacomet Ave
67	356	68	Miacomet Ave

All as shown on a map entitled "Warrant Article 33, MGL 41-81D Master Plan, Zoning Change: Miacomet Avenue" dated January, 2007 on file at the office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 34

(Zoning Map Change: Miacomet Avenue and Otokomi Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions in regard to property in the vicinity of Miacomet Avenue and Otokomi Road by placing the following properties currently located in the Limited Use General (LUG-2) district in the Residential Commercial-2 (RC-2) district:

Map	Parcel	Number	Street
67	195.5	3	Otokomi Road
67	195.6	5	Otokomi Road
67	195.7	7	Otokomi Road
67	195.8	9	Otokomi Road
67	228.1	4	Valley View Drive
67	228.2	3	Valley View Drive

Map	Parcel	Number	Street
67	228.3	1	Valley View Drive
67	228.4	2	Valley View Drive
67	656	10	Celtic Drive
67	657	12	Celtic Drive
67	658	14	Celtic Drive

All as shown on a map entitled "Warrant Article 34, Technical Correction Zoning Change: Miacomet Avenue/Otokomi Road" dated January, 2007 on file at the office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 35

(Zoning Map Change: Miacomet Avenue and Otokomi Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions in regard to property in the vicinity of Miacomet Avenue and Otokomi Road by placing the Limited Use General-2 (LUG-2) portions of the following properties in the Residential Commercial-2 (RC-2) district:

Map	Parcel	Number	Street
67	195.1	26	Miacomet Avenue
67	195.2	28	Miacomet Avenue
67	195.3	30	Miacomet Avenue
67	195.4	1	Otokomi Road
67	223.5	65.5	Surfside Road
67	227	22	Miacomet Avenue
67	228	24	Miacomet Avenue
67	488	20.5	Miacomet Avenue
67	555	71	Surfside Road
67	556	73	Surfside Road
67	655	8	Celtic Drive
67	659	5	Celtic Drive

All as shown on a map entitled "Warrant Article 35, Technical Correction Zoning Change: Miacomet Avenue/Otokomi Road" dated January, 2007 on file at the office of the Town Clerk.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 36

(Zoning Map Change: Miacomet Avenue)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions in regard to property on Miacomet Avenue by placing portions of the following properties, zoned Limited Use General-2 (LUG-2), into the Residential-Commercial 2 (RC-2) district:

Map	Parcel	Number	Street
66	126	80	Miacomet Ave.
66	122	90	Miacomet Ave.
81	5	94	Miacomet Ave.
81	4.2	98	Miacomet Ave.
81	159	100	Miacomet Ave.
81	3	102	Miacomet Ave.
81	158	104	Miacomet Ave.
66	65	95	Miacomet Ave.

All as shown on a map entitled "Warrant Article 36, Technical Correction Zoning Change: Miacomet Avenue" dated January, 2007 on file at the office of the Town Clerk.

Or, to take any other action as may be related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 37

(Zoning Bylaw Amendment: Residential Parking)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 18, paragraph D as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikethrough; these methods to denote changes are not meant to become part of the final text*):

D. Table of Parking Requirements.

Principal and Accessory Uses "A"									
	ROH/ SROH	LC	RCDT	RC	R1/ SR1	RC2	R10/ SR10	R2/ SR2	LUG 1, 2, 3, MMD
Single-Family Dwelling [§ 139-7A(1)]	1	1	1	1	1	2	2	2	2
Accessory Apartment [§ 139-7C)					1	1	1	1	1
Secondary Dwelling Unit [§ 139-	1	1		1	.6/br	.6/br .75/br	.6/br .75/br	.6/br 1.0/br	2

7A(2)]**									
*Other Dwelling Unit	1/d.u.	1/d.u.	.30/br	1/d.u.	1/d.u.	1/d.u.	1/d.u.	1/d.u.	1/d.u.
Duplex [§ 139-8A(1)]	N/A	.75/br	N/A .30/br	.75/br	.75/br	.75/br 1.0/br	.75/br 1.0/br	N/A	N/A
Multi-Family (§ 139-8C)	N/A	N/A	.30/br	1/d.u. .30/br	N/A	.75/br 1.0/br	.75/br 1.0/br	N/A	N/A
Studio (§ 139-2 and 15)						1	1	1	1
Note: "d.u." shall mean "dwelling unit"; and "br" shall mean "bedroom" as determined by the ZEO.									

Notes:

*Includes nonconforming dwelling units in any district.

**For interpretation purposes, the secondary dwelling unit shall be the unit with the lesser number of bedrooms and shall not be related to the sequence of building.

Or, take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 38

(Zoning Bylaw Amendment: Intensity Regulations)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 16, paragraph A as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

- A. Except as expressly provided by § 139-33 of this chapter, no structure or building shall be constructed or used, and no lot or parcel of land shall be built upon, improved or used, and no lot shall be changed in size, shape, boundaries or frontage, unless in conformity with the requirements set forth below:

Yard Setback					
District	Minimum	Front	Side/Rear	Frontage	Ground
Defined	Lot Size	(feet)	(feet)**	(feet)*	Cover
in § 139-3+	(square feet)				Ratio
LUG-1	40,000	35	10	100	7%
LUG-2	80,000	35	15	150	4%

LUG-3	120,000	35	20	200	3%
R-1	5,000	10	5 ¹	50	30%
R-10	10,000	20	10	75	25%
SR-10	10,000	15	5	75	25%
R-2	20,000	30	10	75	12.50%
ROH	5,000	None	5	50	50%
RCDT	3,750	None	Side: none Rear: 5	35	75%
RC	5,000	None	5 ¹	40	50%
RC-2	5,000	10	5 ¹	40	50%
LC	5,000	None	5	40	50%
CMI	5,000	None	0-None	50	50%
CN	7,500	10	Side:5 Rear: 10	50	40%
CTEC	10,000	10	Side:5 Rear: 10	50	40%
CI	15,000	20	10	75	50%
MMD	10 acres	50	50	300	0.50%
NOTES:					
See § 139-33E for nonconforming lots					

¹ For lots abutting two or more street or ways, whether constructed or not, the required front yard setback shall be maintained from one street or way, and the required side yard setback shall be maintained from each other lot line, except corner lots in the R-1 and RC-2 Districts, ~~side yard setbacks shall be~~ where a minimum 10 feet foot side yard setback shall be maintained from any other abutting street or way, whether constructed or not.

Or, to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 39

(Zoning Bylaw Amendment: Residential Districts)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 7, paragraph D, section 5 as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

- (5) ~~A nonprofit club or other nonprofit organization for operating~~ **Community** recreational facilities, including any buildings and uses ancillary to such recreational facilities, or for the maintenance and management of conservation lands, provided they are not substantially more detrimental to the neighborhood nor the environment than existing or permitted alternative uses of the lot.

Or, to take any other action as may be relative thereto.

(Board of Selectmen for Planning Board)

ARTICLE 40

(Zoning Bylaw Amendment: Mixed Income Residential Developments)

To see if the Town will vote to amend Section 139-7I of the Nantucket Zoning Bylaw by changing the year stated in Section 139-7I (17) from "2007" to "2009".

(C. Richard Loftin, et al)

ARTICLE 41

(Town Sewer District Map Change)

To see if the Town will vote to:

Grant to Allen Comeau Sewer Hook-Up on 9 Comeau Lane from Sandra Comeau 7 Comeau Lane.

(Catherine Ernsberger, et al)

ARTICLE 42

(Town Sewer District Map Change)

To see if the town will vote to amend the Town of Nantucket Sewer District Map to include the following parcels of land into the Sewer District.

Address	Map/Parcel
69 Hummock Pond Road	56/320
71 Hummock Pond Road	56/320.1
76 Hummock Pond Road	56/123
77 Hummock Pond Road	56/311
78 Hummock Pond Road	56/125
79 Hummock Pond Road	56/122
80 Hummock Pond Road	56/124
81 Hummock Pond Road	56/121
82 Hummock Pond Road	56/116.1
83 Hummock Pond Road	56/310.2
84 Hummock Pond Road	56/116
86 Hummock Pond Road	56/117
87 Hummock Pond Road	56/310.1

89 Hummock Pond Road	56/120
91 Hummock Pond Road	56/118
93 Hummock Pond Road	56/119
95 Hummock Pond Road	56/309
97 Hummock Pond Road	56/308
99 Hummock Pond Road	56/67.3

(Pauline Singleton, et al)

ARTICLE 43

(Town Sewer District Map Change)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Town Sewer District) of the code of the Town of Nantucket Sewer District Map by adding the following parcels to the map.

Map and Parcel	Address
80 178	28 South Shore road
80 177	32 South Shore road
80 118	36 South Shore road
80 117	42 South Shore road
80 62	35 South Shore road
80 (1.2A)64	33 South Shore road
80 296.4	29 South Shore road
80 296.3	29 South Shore road
80 296.2	29 South Shore road
80 296.1	29 South Shore road
80 297.1	25 South Shore road
80 300	4 Blueberry lane
80 301	6 Blueberry lane
80 302	8 Blueberry lane
80 174	2 Field Av
80 171	4 Field Av
80 170	6 Field Av
80 167	8 Field Av
80 164	10 Field Av
80 161	12 Field Av
80 158	14 Field Av
80 155	16 Field Av
80 159	11 Field Av
80 156	14 Foldger Av
80 157	13 Foldger Av
80 160	11 Foldger Av
80 162	10 Foldger Av
80 163	9 Foldger Av
80 165	8 Foldger Av
80 166	7 Foldger Av
80 168	6 Foldger Av

80 169	5 Foldger Av
80 172	4 Foldger Av
80 173	3 Foldger Av
80 175	2 Foldger Av
80 176	1 Foldger Av

(Brendon Hunt, et al)

ARTICLE 44

(Charter Amendment: Town Administrator)

To see if the Town will vote to amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, by adding a new section to Article VI General Provisions to read as follows:

“Section 6.7 - Definitions: (a) The words “Town Administrator, Assistant Town Administrator and Acting Town Administrator” shall mean “Town Manager, Assistant Town Manager and Acting Town Manager” wherever they appear in the Charter and the Town Clerk shall cause any reprinting of the Charter to use the words “Town Manager, Assistant Town Manager and Acting Town Manager in place of the words “Town Administrator, Assistant Town Administrator and Acting Town Administrator, where ever they appear in the Charter.”

or take any other action in relation thereto.

(Allen Reinhard, et al)

ARTICLE 45

(Town Charter Amendment: Appointments)

To see if the Town will vote, as provided for under Section 6.5 of the Charter, Chapter 289 of the Acts of 1996, to amend the Charter as follows:

“In Section 3.4 - Selectmen Powers as to Appointments, sub section (a) (3) second paragraph, delete the words “Disability Commission, Council on Aging and Council on Human Services”

And further in Section 4.3 - Town Administrator Appointments - delete sub section (b) in its entirety and insert in its place the following new sub section (b) to read as follows: “shall appoint and may remove, for cause, members of the following Town boards, councils, commissions and committees: Commission on Disability, Council on Aging, Council on Human Services and Cultural Council, such appointments being subject to a resolution of disapproval by the Board of Selectmen pursuant to Section 3.4 (a) (4) and further the Town Administrator shall also appoint members of other Town boards, councils, commissions and committees, but only to the extent that the power of appointment of the Board of Selectmen under Section 3.4 of this Charter to make such appointments is delegated by the Board of Selectmen to the Town Administrator, such appointments being subject to a resolution of disapproval by the Board of Selectmen pursuant to Section 3.4 (a) (4).”

or take any other action in relation thereto.

(Allen Reinhard, et al)

ARTICLE 46

(Town Charter Amendment: Employment)

To see if the Town will vote to amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, by inserting a new sub section to Section 3.1 - Composition, Term of Office and Quorum, to read as follows:

“Section 3.1 (a) Prohibition.

A member of the Board of Selectmen shall not hold any town employment requiring said employee to work twenty or more hours per week, annualized, and for which a salary or other emolument is paid from the town treasury.”

(Allen Reinhard, et al)

ARTICLE 47

(Town Charter Amendment: Planning Board)

To see if the Town will vote to amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, and add a new article “Article IIIA Boards, Commissions and Committees” and insert in said Article a new section as follows:

“Section 3A-1 Planning Board.

(a) Composition and Term of Office.

Notwithstanding the provisions of Chapter 41, Sections 70, 71 and 72, of the general laws, accepted by Town Meeting in 1928, and beginning with the annual town election in the year following the year in which this amendment is adopted, there shall be five members of the planning board, who shall be residents of the Town of Nantucket, appointed by the board of selectmen for terms of five years so arranged that one term expires each year, and three associate members of the planning board, who shall be residents of the Town of Nantucket, appointed by the board of selectmen for terms of three years so arranged that one term expires each year.

(b) Powers and Duties.

The planning board shall have those powers and duties given to planning boards under the constitution and general laws of the Commonwealth and such additional powers and duties as may be authorized by the charter, by bylaw, or by other vote of town meeting. The associate members of the planning board are to serve in zoning matters as alternates in lieu of any regular planning board member being unable to serve in said zoning matter.

(c) Transition.

It is the intent of this provision that a transition from elected planning board members to appointed planning board members be phased in over a period of time so that as the term of an elected incumbent expires the successor shall be appointed, and should there be a sooner vacating of a previously elected planning board member, his or her successor shall be appointed.”

or take any other action in relation thereto.

(Allen Reinhard, et al)

ARTICLE 48

(Town Charter Amendment: Historic District Commission)

To see if the Town will vote to amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, and add a new article “Article IIIA Boards, Commissions and Committees” and insert in said Article a new section to read as follows:

“Section 3A-2 Historic District Commission

(a) Composition and Term of Office.

Notwithstanding the provisions of Section 3 of Chapter 395 of the Acts of 1970 and any amendments thereto, and beginning with the annual town elections in the year following the year in which this amendment is adopted, there shall be five unpaid members of the historic district commission, who shall be residents of the Town of Nantucket, and who shall be appointed by the board of selectmen for terms of three years so arranged that as nearly an equal number of terms as possible expire each year and further there shall be three unpaid associate members of the historic district commission, who shall be residents of the Town of Nantucket, and who shall be appointed by the board of selectmen for terms of three years so arranged that one term expires each year.

(b) Powers and Duties.

The historic district commission shall have all those powers and duties described in Chapter 395 of the Acts of 1970 as amended and known as “An Act Establishing a Historic District Commission for the Town of Nantucket and Establishing Nantucket Island as the Historic District”

(c) Transition

It is the intent of this provision that a transition from elected historic district commission members to appointed historic district commission members be phased in over a period of time so that as the term of an elected incumbent expires the successor shall be appointed, and should there be a sooner vacating of a previously elected historic district commission member, his or her successor shall be appointed.”

or take any other action in relation thereto.

(Allen Reinhard, et al)

ARTICLE 49

(Town Charter Amendment:
Shellfish and Harbor Advisory Board)

To see if the Town will vote to amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, and add a new article "Article IIIA Boards, Commissions and Committees" and insert in said Article a new section as follows:

"Section 3A-3 Shellfish and Harbor Advisory Board.

(a) Composition and Term of Office.

Notwithstanding the provisions of Chapter 465 of the Acts of 1976, and any amendments thereto, beginning with the annual town election in the year following the year in which this amendment is adopted, there shall be seven members of the shellfish and harbor advisory board, who shall be residents of the Town of Nantucket, appointed by the board of selectmen for terms of three years so arranged that as nearly an equal number of terms as possible expire each year.

(b) Powers and Duties.

The shellfish and harbor advisory board shall have those powers and duties described in Chapter 465 of the Acts of 1976 as amended.

(c) Transition

It is the intent of this provision that a transition from elected shellfish and harbor advisory board members to appointed shellfish and harbor advisory board members be phased in over a period of time so that as the term of an elected incumbent expires the successor shall be appointed, and should there be a sooner vacating of a previously elected shellfish and harbor advisory board member, his or her successor shall be appointed."

or take any other action in relation thereto.

(Allen Reinhard, et al)

ARTICLE 50

(Town Charter Amendment: Audit Committee)

To see if the Town will vote to amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, by striking, in its entirety, sub-paragraph (c) of Section 3.5 Further Powers of the Selectmen, and inserting in its place the following:

"(c) To establish and shall so establish a three member audit committee whose duties shall include appointment of an outside audit firm, review of the annual audit results and

evaluation of the internal accounting procedures and controls. The audit committee shall be composed of three members each serving a term of one year. The committee will consist of the Chairman of the Board of Selectmen, the Chairman of the Finance Committee and one member of the Board of Selectmen appointed by the Board of Selectmen; and the Board may further establish an advisory committee to conduct any inquiry or investigation or to make planning, policy or other recommendations.”

or take any other action in relation thereto.

(Allen Reinhard, et al)

ARTICLE 51

(Town Charter Amendment: Our Island Home Board of Directors, Personnel Board)

To see if the Town will vote, as provided for under Section 6.5 of the Charter, Chapter 289 of the Acts of 1996, to amend the Charter by deleting the words “Our Island Home Board of Directors, Personnel Board (4 of 5 members),” from the second paragraph under “Section 3.4 - Selectmen Powers as to Appointments, (3).”

or take any other action in relation thereto.

(Allen Reinhard, et al)

ARTICLE 52

(Bylaw Amendment: Committees)

To see if the Town will vote to amend the Bylaws of the Town of Nantucket, by inserting under Article V (Reserved) of Chapter 11 Committees, the following:

“ARTICLE V Town Government Study Committee.

Section 11.18. Establishment, Membership:

In the year beginning 2010 and every five years thereafter, the Board of Selectmen shall appoint a Town Government Study Committee consisting of seven members for a term of one year.

Section 11.19 Function:

The committee shall review the structure of town government including the town charter and bylaws and make recommendations to the town meeting concerning amendments to the charter or bylaws or other recommendations it deems advisable.”

or take any other action in relation thereto.

(Allen Reinhard, et al)

ARTICLE 53

(Bylaw Amendment: Board of Sewer Commissioners)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners) of the Code of the Town of Nantucket as follows *(NOTE: new language is shown as highlighted text; language to be deleted is shown by strike-out; these methods to denote changes are not meant to become part of the final text):*

§41-3. Sewer districts.

The Board of Sewer Commissioners is authorized to lay out, construct, maintain and operate a system or systems of common sewers and main drains in public or private ways for a part of the Town as set forth below for the public convenience or the public health with such connections and other works as may be required for a system or systems of sewerage or drainage and sewage treatment and disposal within the sewer districts set forth below. Such works for sewage treatment and disposal may include any wastewater treatment facility for treating, neutralizing or stabilizing sewage including treatment or disposal plants; the necessary intercepting, outfall and outlet sewers, pumping stations integral to such facilities; and equipment and appurtenances related to the foregoing. For the purposes of this chapter the word "sewage" shall mean wastewater from homes, public buildings, commercial or industrial establishments, or any combination thereof, and shall include any surface or ground water that may be present therein. The following systems of common sewers and main drains are hereby designated:

- A. Town Sewer District: an area outlined in blue on a map entitled, "Comprehensive Wastewater Management Plan, (Proposed) TOWN SEWER DISTRICT," with a summer average daily flow capacity of 2,800,000 mgd, dated March 2004, or as shown in an additional area outlined in blue on a supplemental map entitled "Article 14, October 19, 2004 Special Town Meeting Additions to the Town Sewer District dated as of September 15, 2004 Nantucket, Massachusetts," which area is to be hereafter included in the Town Sewer District, except the parcels outlined in magenta on Article 14 Supplemental Map 1 shall not be included in this district (on file in the office of the Board of Selectmen), within which all sewage shall be collected, transported to, treated by and disposed from the Surfside Wastewater Treatment Facility;
- B. Siasconset Sewer District: an area outlined in blue on a map entitled, "Comprehensive Wastewater Management Plan, (Proposed) SIASCONSET SEWER DISTRICT," with a summer average daily flow capacity of 220,000 mgd, dated March 2004 (on file in the office of the Board of Selectmen), within which all sewage shall be collected, transported to, treated by and disposed from the Siasconset Wastewater Treatment Facility.

The Board is authorized to amend the Sewer Districts of the Town when such amendments are tributary to the Surfside or Siasconset Wastewater Treatment Facilities, from a needs area(s) as defined by the Town's Comprehensive Wastewater Management Plan, without further action by Town Meeting.

Or, to take any other action as may be related thereto.

(Board of Selectmen)

ARTICLE 54

(Bylaw Amendment: Noise)

To see if the Town will vote to make the following changes to Chapter 101 (Noise) of the Code of the Town on Nantucket:

§ 101-1 Prohibited activities; violations and penalties.

A. It shall be unlawful for any person or persons, between the hours of 10:00 pm and ~~7:30~~ 7:00 am

B. It shall be unlawful for any person or persons, between the hours of 10:00 pm and ~~7:30~~ 7:00 am.

§ 101-2 Noises prohibited; exemptions.

C. Power tools. It shall be unlawful to cause a noise disturbance across a real property line by operating any mechanically powered saw, sander, grinder drill, lawnmower or garden tool or similar device used outdoors, with the exception of snow blowers, before ~~7:30~~ 7:00 a.m. Monday through Saturday and before 10:00 a.m. Sunday...

D. Radios, television sets, musical instruments and similar devices. It shall be unlawful to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound between the hours of 10:00 p.m. and ~~7:30~~ 7:00 a.m. in such a manner as to create a noise disturbance across a real property boundary.

§ 101-4 Noise tables.

A. Table I: Limiting Noise Level for Use Districts.

- (1) For the purpose of this table, “day” shall be defined as ~~7:30~~ 7:00 a.m. to 10:00 p.m., and “night” shall be defined as 10:00 p.m. to ~~7:30~~ 7:00 a.m.

(James Lydon, et al)

ARTICLE 55

(Bylaw Amendment: Town Collector and Town Treasurer/Tax Deferral for Renovated Historic Properties)

To see if the Town will vote to amend §40 (Town Collector and Town Treasurer) of the Code of the Town of Nantucket, as follows:

Section 40-4: TAX DEFERRAL FOR RENOVATED HISTORIC PROPERTIES

A. Creation of a Special Property Tax Assessment

A special property tax assessment is created for substantial rehabilitation of owner-occupied residential properties or those properties subject to a preservation restriction considered contributing or individually significant within the Nantucket Historic District. The increase in assessed value resulting from substantial rehabilitation of eligible properties shall be abated for a period of seven (7) years, then returned to the full assessed value of the property. The special assessment shall extend only to the building(s) or structure(s) that are rehabilitated. The purpose of this section is to encourage appropriate renovations to the interiors and exteriors of historic buildings.

B. Eligible Properties

In order to be eligible for the special assessment property must meet the following criteria:

- a. The property to be rehabilitated must be occupied by the owner exclusively for residential purposes, or be subject to a preservation restriction, and be listed on the State Register which is maintained by the Massachusetts Historical Commission (MHC) pursuant to M.G.L. Ch. 9, Section 26C, either individually or as a contributing or individually significant element within an historic district.
- b. The cost of rehabilitation, as that term is defined in 950 C.M.R. 72.04, must be no less than 15% of the assessed value of the property prior to rehabilitation. Not less than 5% of the cost of rehabilitation shall be dedicated to rehabilitation of the exterior of the historic building,
- c. The property owner must present to the Assessor a certificate from the MHC stating that the proposed rehabilitation meets the Secretary of the Interior's Standards. The Nantucket Historical Commission may obtain this certification from the MHC for the owner.

C. Application Process

(1) Property Owner: A property owner must submit an application, on a Rehabilitation Eligibility form provided by the Assessor. The property owner is responsible for the following information on the Rehabilitation Eligibility form:

- (a) certification from the MHC that the rehabilitation as proposed meets the Secretary of the Interior's Standards;
- (b) proof of the applicant's ownership and occupancy of the subject property, or proof of a preservation restriction; and
- (c) the total cost of certified rehabilitation, with cost breakdown for interior and exterior structure rehabilitation.

(2) Assessors: Within 30 days of receipt of a completed Rehabilitation Eligibility form, the Assessor shall determine whether the proposed rehabilitation meets the eligibility criteria set forth in Section 40-4B, and will notify the owner of its decision via an Eligible Project Certificate.

(3) Property Owner: No later than two (2) years after completion of the rehabilitation, the property owner shall provide to the Assessor a certification that the completed work conforms with the proposed rehabilitation and meets the Secretary of the Interior's Standards. The owner shall obtain such certification from the MHC, or from the Nantucket Historical Commission, or from the holder of a preservation restriction, as noted in section 40-4F.

(4) Assessors: The Assessor will grant final approval of the special assessment upon receipt of the certification described above.

D. Effective Date of Special Assessment

The special assessment will take effect on the first day of the next fiscal year after the completed work certification is received by the Assessors.

E. Time Limits

(1) An owner shall apply for the special assessment no later than two (2) years after completion of the rehabilitation certified by the MHC.

(2) In order to be included in the total cost of rehabilitation as defined in 950 C.M.R. 72.04, all rehabilitation work must be completed within a three (3) year period.

F. Other Provisions

The following provisions outline policies for ensuring that the owner who receives the special assessment maintains the property in the manner intended by the enabling legislation.

(1) An owner who applies for the special assessment shall agree in writing to maintain the subject property in accordance with the Secretary of the Interior's Standards for the duration of the special assessment. Failure to maintain the property in accordance with the Secretary of the Interior's Standards for the agreed period of time shall result in revocation of the special assessment. The property owner may agree to maintain the property with;

(a) A preservation restriction, including interior spaces

(b) An agreement with the Nantucket Historical Commission to have the chair or their designee to review the structure at the completion of the seven year period

(2) In the event that the restriction holder or the Nantucket Historical Commission informs the Assessor that the owner has failed to maintain the subject property in accordance with the Secretary of the Interior's Standards, the Assessor shall notify the owner in writing and the owner shall have 30 days in which to demonstrate that the property has been maintained in accordance with the Secretary of the Interior's Standards or, if not, to remedy such failure.

(3) An owner who receives the special assessment shall annually, for the duration of the special assessment,

(a) provide the Assessor with written certification that he or she still owns and occupies the property which is the subject of the special assessment, unless a preservation restriction has been placed on the structure prior to the work,

(b) provide the Assessor with certification from the MHC, or from the Nantucket Historical Commission, that the property continues to be in compliance with the Secretary of the Interior's Standards and that the subject property is still listed on the State Register.

(4) The date of any of the following occurrences shall terminate the special assessment:

(a) written notice from the owner to the Assessors requesting removal of the special assessment;

(b) failure to provide certification of compliance with the Secretary of the Interior's Standards;

(c) sale or transfer of ownership during the seven (7) year period, except in the course of probate proceedings, or unless a preservation restriction has been placed on the structure prior to the work; or

(d) removal of the property from the local historic district.

(Aaron Marcavitch et al)

ARTICLE 56

(Extension of Energy Study Committee)

To see if the Town of Nantucket will vote to extend the sunset date for the Nantucket Energy Study Committee from April 2007 to April 2010, with five members to be appointed by the Board of Selectman for a three year term.

(Barbara Gookin, et al)

ARTICLE 57

(Acceptance of G.L. Ch. 32, s. 4: Retirement Systems and Pensions/Creditable Service)

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 32, section 4(2)B½, which provides as set forth below, or to take any other action related thereto:

"b1/2) In any city, town, or fire district, which accepts the provisions of this paragraph, service as a permanent-intermittent or call firefighter shall be credited as full-time service as provided in paragraph (b), except that credit for such service shall not be conditioned upon the appointment of said permanent-intermittent or call firefighter as a permanent member of the fire department. This paragraph shall take effect in a city by vote of the city council in accordance with its city charter, in a town which maintains a separate contributory retirement system by vote of the town meeting, in a town whose eligible members are members of the county retirement system of the county wherein such town lies by vote of the town meeting, in a district which maintains a separate contributory retirement system by vote of the district meeting, and in a district the eligible employees of which are members of a county retirement system by vote of the district meeting."

(Board of Selectmen)

ARTICLE 58

(Acceptance of Massachusetts General Law/Call Firefighters Health Insurance)

To see if the Town will vote to accept the provisions of Chapter 46, Section 12 of the Acts of 2003, thereby including a member of the call fire department or other volunteer emergency service agency serving the town within the definition of "Employee" under M.G.L. c. 32B, Section 2 (d).

(Kenneth Gullicksen, et al)

ARTICLE 59

(Home Rule Petition: Historic District Commission)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act so as to amend the Historic District Commission enabling legislation to allow for the interior preservation of historic buildings, defined as any building listed as individually significant or contributing to the Nantucket Historic District, as follows: historic buildings shall be protected by preserving and retaining primary and secondary framing members in place and consistent with the original date of construction and/or qualifying later additions. Primary and secondary framing members include but are not limited to the following:

Timber and Balloon Frame construction - principal roof rafters, common rafters, collar beams, wind braces, common purlins, two-story and single story studs, end tie beams, fascia plates, story posts, chimney posts, corner posts, prick posts, summer beams (binding and bridging), girts, end bearers, floor joists, sleepers, ground sills and chimneys.

And, to authorize the General Court with the approval of the Board of Selectmen to make constructive changes in perfecting the language of this proposed legislation in order to secure passage; and to take any other action as may be relative thereto.

(Board of Selectmen for Historic District Commission)

ARTICLE 60

(Home Rule Petition: Sewer Authority)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act so as to designate additional authority to the Town of Nantucket and/or Board of Selectmen regarding authority for sewer-related matters; and, to authorize the General Court with the approval of the Board of Selectmen to make constructive changes in perfecting the language of this proposed legislation in order to secure passage; and to take any other action as may be relative thereto.

(Board of Selectmen)

ARTICLE 61

(Home Rule Petition: Land Bank Act Amendment)

To see if the Town will vote to present to the General Court a Home Rule Petition set forth below and to request the Town's representatives in the General Court to introduce legislation amending the Nantucket Islands Land Bank Act as set forth below and to authorize the Board of Selectmen of the Town to make constructive changes in perfecting the language of this legislation in order to secure passage, it being the intent to authorize the Board of Selectmen and the General Court to vary the specific text of the requested legislation within the scope of the general public objectives of this home rule petition, such legislation to read substantially as follows:

An Act to further clarify the Nantucket Islands Land Bank Act regarding real property interests subject to the Land Bank Act's transfer fee.

The Nantucket Islands Land Bank Act (being chapter 669 of the Acts of 1983, as amended by chapter 407 of the Acts of 1984, by chapter 202 of the Acts of 1985, by chapter 666 of the Acts of 1987, by chapter 392 of the Acts of 1991, by chapter 309 of the Acts of 1994, by chapter 370 of the Acts of 2002, and by chapter 130 of the Acts of 2006, referred to collectively as the "Land Bank Act") is hereby amended as follows:

(a) The definition of "Real property interest" appearing in Section 1 of the Land Bank Act shall be restated in its entirety to the following:

"Real property interest", any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which

holds any legal or equitable interest in real property; the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under Massachusetts General Laws chapter 183A; but shall not include any interest which is limited to any of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance; any estate for years having a term of less than thirty years; any reversionary right, condition, or right of entry for condition broken; and the interest of a mortgagee or other secured party in any mortgage or security agreement.

(b) Section 10A of the Land Bank Act is hereby repealed in its entirety.

(c) The following sentence shall be inserted at the end of the preamble to Section 12 of the Land Bank Act: "Any otherwise exempt transfer shall not be exempt in the event that such transfer (by itself or as part of a series of transfers) was made for the primary purpose of evading the fee imposed by Section 10."

(d) Section 12 (-i-) of the Land Bank Act shall be amended by deleting the portion thereof commencing with "provided, however, that such . . ." through the end of subsection (-i-), and the following shall be inserted in lieu thereof:

provided, however, that such transfer shall be exempt only in the event that (i) with respect to a corporation, the transferor retains an interest in the newly formed corporation which is equivalent to the interest the transferor held prior to the transfer, or (ii) with respect to a partnership or limited liability company, the transferor retains after such formation rights in capital interests and profit interests within such partnership or limited liability company which are equivalent to the interest the transferor held prior to the transfer.

(e) Section 12 (-j-) of the Land Bank Act shall be entirely restated as follows:

Transfers made to a stockholder of a corporation in liquidation or partial liquidation of the corporation, and transfers made to a partner of a partnership or to a member of a limited liability company in dissolution or partial dissolution of the partnership or limited liability company; but the transfer shall be exempt only if (i) with respect to a corporation, the transferee receives property (including real property interests and other property received) which is the same fraction of the total property of the transferor corporation as the fraction of the corporation's stock owned by the transferee prior to the transfer or (ii) with respect to a partnership or limited liability company, the transferee receives property (including real property interests and other property received) which is the same fraction of the property of the partnership or limited liability company as the fraction of the capital and profit interests in the transferor formerly owned by the transferee.

(f) Delete from Section 12 (-m-) of the Land Bank Act the words "The first" from the beginning of the subsection, and capitalize the word "an", which becomes the first word of the subsection.

(g) Add new subsection (-n-) to Section 12 of the Land Bank Act, as follows:

(-n-) Transfers of minority interests in corporations, trusts, partnerships or limited liability companies which are publicly traded, which trades are not part of a series of transfers which together constitute a transfer of control of a corporation, trust, partnership or limited liability company.

(h) Add new subsection (-d-) to Section 14 of the Land Bank Act, as follows:

(-d-) If the Commission has determined that a fee is due by asserting the application of the evasion of fee doctrine described in Section 12 of this Act, then the transferee shall have the burden of demonstrating by clear and convincing evidence as determined by the Commission that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in Section 10 of this Act and (ii) economic substance apart from the asserted fee avoidance benefit. In all such cases the transferee shall also have the burden of demonstrating by clear and convincing evidence as determined by the Commission that the asserted non-fee-avoidance business purpose is commensurate with the amount of the fee pursuant to Section 10 to be thereby avoided.

Or to take any other action related thereto.

(Board of Selectmen for Nantucket Islands Land Bank Commission)

ARTICLE 62

(Home Rule Petition: Community Preservation Act)

To see if the Town of Nantucket will vote to amend the Community Preservation Committee law (MGL c. 44B, §§ 3-7) as adopted by the Town of Nantucket in April 2001, by changing the language in section six by deleting the stricken text and adding the parenthetical text, as shown below;

Section 6. In every fiscal year and upon the recommendation of the community preservation committee, the legislative body shall spend, or set aside for later spending, not less than 10 per cent of the annual revenues in the Community Preservation Fund for open space, but not including land for recreational use, not less than 10 per cent of the annual revenues for historic resources and not less than ~~40~~ (80) per cent of the annual revenues for community housing.

(Barbara Gookin, et al)

ARTICLE 63

(Home Rule Petition: Nantucket Islands Land Bank)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking to amend the current Land Bank Act to provide that 25% of all funds collected each year be allocated for the purpose of affordable housing on Nantucket; and further to allow that certain Land Bank lands may be used for such housing as approved by Town Meeting, and to authorize the General Court with the approval of the Board of Selectmen to make constructive changes in perfecting the language of this proposed legislation in order to secure passage.

(Curtis L. Barnes, et al)

ARTICLE 64

(Home Rule Petition: Conveyance of Land by the County)

To see if the Town will vote to petition the General Court for enactment of a Home Rule special act set forth below and to request Nantucket's representatives to the General Court to introduce a Special Act set forth below, and further to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage, or to take any other action with respect thereto:

AN ACT APPROVING THE CONVEYANCE OF PROPERTY BY THE COUNTY OF NANTUCKET

Section 1. The County of Nantucket is hereby authorized to convey land owned by the County of Nantucket to the Town of Nantucket without any consideration therefore and to take whatever actions are necessary to transfer ownership of the following parcels:

- A parcel of land, formerly part of a County roadway known as Sherburne Turnpike at its intersection with Hamblin Road, as shown on a plan entitled "Proposed Modification of Sherburne Turnpike" dated February 2007 on file with Nantucket Planning Office; and
- A parcel of land, formerly part of a County roadway known as Milestone Road at its intersection with Polpis Road, as shown on a plan entitled "Proposed Modification of Milestone Road" dated February 2007 on file with Nantucket Planning Office.

Section 2. A majority of the voters at an Annual or Special Town Meeting shall approve acceptance of any and all transfers authorized in Section 1, prior to such conveyances taking effect.

Section 3. The provisions of Chapter 30B General Laws and any rights of first refusal in the Commonwealth under the provisions Section 14 of Chapter 34 of General Laws shall not be applicable to any conveyance authorized hereunder.

Section 4. This Act shall take effect upon passage.

(Board of Selectmen)

ARTICLE 65

(Home Rule Petition: Radio Monitor Site)

To see if the Town will vote to petition the General Court for enactment of a Home Rule special act set forth below and to request Nantucket's representatives to the General Court to introduce a Special Act set forth below, and further to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage, or to take any other action with respect thereto:

AN ACT APPROVING THE TOWN OF NANTUCKET TO USE, OR TO SELL, CONVEY
OR OTHERWISE DISPOSE OF CERTAIN LAND SITUATED IN THE TOWN OF NANTUCKET
FOR ANY LAWFUL PURPOSE

Be it enacted by the Senate and the House of Representatives in General Court assembled,
and by authority of the same, as follows:

Section 1. Pursuant to Article XCVII of the Amendments to the Constitution of the Commonwealth of Massachusetts, notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may use for any lawful general municipal purpose, or may sell, convey or otherwise dispose of certain land situated in the Town of Nantucket and described as the Town of Nantucket Assessor's Map 32, Parcel 23, or any portion thereof.

Section 2. This act shall take effect upon its passage.

(Board of Selectmen)

ARTICLE 66

(Real Estate Conveyance)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise grant a permanent easement or lesser interest over property owned by the Town of Nantucket at 43 Eel Point Road (known as Assessors Map 32, Parcel 23) or a portion thereof, to be used for driveway purposes (but not for parking), in exchange for a permanent easement over certain real property located at 39 Eel Point Road (known as Assessors Map 32, Parcel 22) or a portion thereof, to be used for maintaining pedestrian access to and from Dionis Beach, and to take any other action as may be related or appropriate thereto.

(Board of Selectmen)

ARTICLE 67

(Real Estate Acquisition)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee title or lesser title interest in a certain parcel of land, identified as Assessors Map 78, Parcel 4 and known as the Proprietors' South Pasture Land, or any portions thereof, for general municipal purposes, or take any other action as may be appropriate or related thereto.

(Board of Selectmen)

ARTICLE 68

(Real Estate Conveyance)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of certain property owned by the Town of Nantucket, identified as Assessors Map 78, Parcel 4 and known as the Proprietors' South Pasture Land, or any portions thereof, and to take any other action as may be related or appropriate thereto.

(Board of Selectmen)

ARTICLE 69

(Real Estate Acquisition)

To see if the Town will vote to authorize the Nantucket Islands Land Bank to acquire by purchase, gift or eminent domain the fee title or lesser title interest in a certain parcel of land, identified as Assessors Map 78, Parcel 4 and known as the Proprietors' South Pasture Land, or any portions thereof, for any lawful purposes pursuant to the Nantucket Islands Land Bank Act, or take any other action as may be appropriate or related thereto.

(Board of Selectmen)

ARTICLE 70

(Home Rule Petition: Real Estate Conveyance)

To see if the Town will vote to petition the General Court for enactment of a Home Rule special act set forth below and to request Nantucket's representatives to the General Court to introduce a Special Act set forth below, and further to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage, or to take any other action with respect thereto:

AN ACT APPROVING THE NANTUCKET ISLANDS LAND BANK AND THE TOWN OF NANTUCKET TO USE, OR TO SELL, CONVEY OR OTHERWISE DISPOSE OF CERTAIN LAND SITUATED IN THE TOWN OF NANTUCKET FOR ANY LAWFUL PURPOSE

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by authority of the same, as follows:

Section 1. Pursuant to Article XCVII of the Amendments to the Constitution of the Commonwealth of Massachusetts notwithstanding the provisions of any general or special law to the contrary, the Nantucket Islands Land Bank and the Town of Nantucket may use for any lawful general municipal purpose, or may sell, convey or otherwise dispose of certain land situated in the Town of Nantucket and described as the Town of Nantucket Assessor's Map 78, Parcel 4, or any portion thereof.

Section 2. This act shall take effect upon its passage.

(Board of Selectmen)

ARTICLE 71

(Real Estate Conveyance)

To see if the Town will vote to settle the case concerning whether the Town, acting through the Airport, owns the land underneath the house where the Shaw family lives year-round, by accepting from the Shaw family a reasonable payment in exchange for the Town's Agreement for Judgment that Mr. Shaw owns that land. The land is shown on Nantucket Assessor's Map 88 as Parcel 23 and is known as 58 Madequecham Valley Road.

(Eric Shaw, et al)

ARTICLE 72

(Real Estate Acquisition)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee title or lesser title interests in the following parcels of land, for general municipal purposes and to confirm the Town's title to such properties, or take any other action as may be appropriate or related thereto:

Map	Parcel(s)	Address
60.2.4	25	New Hampshire Avenue
60.3.1	412	6 New Hampshire Avenue
60.3.1	433, 459	10 Maine Avenue
60.3.1	445	2 Maine Avenue
60.3.1	446	2 New Hampshire Avenue
60.3.1	182, 183	29 New Hampshire Avenue
60.3.1	182, 185	31 New Hampshire Avenue
60.3.1	367, 368	9 New Jersey Avenue
60.3.1	160, 161	26 Rhode Island Avenue
79	140	35R Skyline Drive
82	331	Saccacha Avenue
80	101.1	143 Surfside Road
71.3.2	279	6 Ipswich Street
82	354, 355	Miacomet Avenue South
82	366, 367	Miacomet Avenue South
82	375	Mattapoissett Avenue
82	408	Marion Avenue
82	408.1	Marion Avenue
82	409.1	Marion Avenue
87	13	Poplar Street

Or, to take any other action as may be related thereto.

(Board of Selectmen)

ARTICLE 73

(Real Estate Conveyance)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey, release or otherwise dispose of the following parcels of Town land or lesser interests the Town may have therein, subject to Massachusetts G.L. c. 30B and guidelines established under the "Nantucket Yard Sales" program on file with the Board of Selectmen's office, and to take any other action as may be related or appropriate thereto.

Map	Parcel(s)	Address
60.2.4	25	New Hampshire Avenue
60.3.1	412	6 New Hampshire Avenue
60.3.1	433, 459	10 Maine Avenue
60.3.1	445	2 Maine Avenue

Map	Parcel(s)	Address
60.3.1	446	2 New Hampshire Avenue
60.3.1	182, 183	29 New Hampshire Avenue
60.3.1	182, 185	31 New Hampshire Avenue
60.3.1	367, 368	9 New Jersey Avenue
60.3.1	160, 161	26 Rhode Island Avenue
79	140	35R Skyline Drive
82	331	Saccacha Avenue
80	101.1	143 Surfside Road
71.3.2	279	6 Ipswich Street
82	354, 355	Miacomet Avenue South
82	366, 367	Miacomet Avenue South
82	375	Mattapoissett Avenue
82	408	Marion Avenue
82	408.1	Marion Avenue
82	409.1	Marion Avenue
87	13	Poplar Street
32	none	Adj. 101, 102 and 14 Sherburne Turnpike

Or, to take any other action as may be related thereto.

(Board of Selectmen)

ARTICLE 74

(Real Estate Conveyance)

To see if the Town will vote to authorize the Board of Selectmen to sell convey or otherwise dispose of any interest the Town may have in or to that certain property located at 9 New Jersey Avenue and known as Lots 1 and 2 in Block No. 31 on Plan No. 2408-M on file with the Nantucket County Registry District, subject to Massachusetts G.L. c. 30B, and to take any other action as may be related or appropriate thereto.

(Board of Selectmen)

ARTICLE 75

(Real Estate Conveyance)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the following parcels of land to the Nantucket Islands Land Bank:

Map	Parcel	Address
80	39	"Surfside"
80	105	"Weweeder Pond"
80	106	"Weweeder Pond"
80	107	"Surfside"

<u>Map</u>	<u>Parcel</u>	<u>Address</u>
80	146	"Surfside"
80	147	"Surfside"
80	148	"Surfside"
80	219	"Atlantic Ave"
87	4	51 Western Avenue
87	134	"Weweeder Pond"

including any unconstructed, unimproved or "paper" ways, or any portions thereof, located within the boundaries of any of such parcels (including but not limited to Washington Street, May Street, Lake Street, Reedy Street and other unnamed ways), as shown on a plan entitled "Proposed transfer of Town parcels at Weweeder Pond Valley to the Land Bank," dated January 2007, on file at the Nantucket Planning Office, and to take any other action as may be related or appropriate thereto.

(Board of Selectmen)

ARTICLE 76

(Real Estate Disposition)

To see if the Town will vote to discontinue the ways known as Washington Street, May Street, Reedy Street and other unnamed ways as referenced in the plan below or any portions thereof; and all public rights of pass over said way, and any other interests that may exist in said ways to be discontinued, which are shown on a map titled "Proposed Transfer of Town Parcels at Weweeder Pond Valley to the Land Bank" dated January, 2007 on file at the Nantucket Planning Office; or, to take any other action as may be related thereto.

(Board of Selectmen)

ARTICLE 77

(Real Estate Disposition)

To see if the Town will vote to authorize the Board of Selectmen to grant a restrictive covenant to prohibit the subdivision or separate sale of the following three (3) parcels of land: (i) Assessor's Map 39, Parcel 14, also shown as Lot 6 on plan on file with the Nantucket County Registry District as plan 35656C, Sheet 2 and filed with Certificate of Title No. 10145, (ii) Assessor's Map 58, Parcel 38, also shown on plan on file with Nantucket County Registry District as plan 4837A and filed with Certificate of Title No. 4346, and (iii) Assessor's Map 58, Parcel 1, which is land described in that certain Order of Taking recorded at the Nantucket County Registry of Deeds in Book 125, Page 333, or to otherwise dispose of any interest the Town may have in said parcel(s), subject to Massachusetts G.L. c. 30B, and to take any other action as may be related or appropriate thereto.

(Board of Selectmen)

ARTICLE 78

(Real Estate Disposition: Grant of Easement)

To see if the Town will vote to authorize the Board of Selectmen to grant an access and utility easement to National Grid, its parents or affiliates, for the purpose of installing, operating and maintaining certain electric distribution equipment on, over, through and under land owned by the Town shown as Parcel 135 on Assessor's Map 87 and described in Book 474, Page 338 recorded in the Nantucket Registry of Deeds; and, to take any other action as may be appropriate or related thereto, as determined by the Board of Selectmen.

(Board of Selectmen)

ARTICLE 79

(Appropriation: Stabilization Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with chapter 40, s. 5B of the General Laws, from which appropriations may be made by a two-thirds vote of an Annual or Special Town Meeting for any purpose for which a municipality may borrow money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2008 tax levy.

(Board of Selectmen)

ARTICLE 80

(Appropriation: Free Cash)

To see what sum the Town will vote to transfer from Free Cash in the treasury to meet the appropriations for the ensuing Fiscal Year and to authorize the Assessors to use in the fixing the rate, pass any vote, or take any other action relative thereto.

(Board of Selectmen)

To act upon and transact any business relative to the foregoing subjects which may, then and there, come before said meeting.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this 24th day of January in the year Two Thousand Seven.

Whitey Willauer, Chairman
Michael Kopko
Douglas Bennett
Brian Chadwick
Catherine Flanagan Stover

SELECTMEN OF NANTUCKET, MA